

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

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J.D., L.E., and R.A., minors  
by and through their *Guardian*  
*Ad Litem*, Damekia Morgan,  
on behalf of themselves and others  
similarly situated;

Plaintiffs,

**CLASS ACTION**

CIVIL ACTION NO. 07-9755

v.

C. RAY NAGIN, Mayor, City of New Orleans; RICHARD A. WINDER, Director, Department of Human Services, City of New Orleans; MUBARAK A. KAREEM, Social Services Coordinator, Department of Human Services, OZZIE WILLIAMS, Acting Supervisor, Youth Study Center; DARRYL KILBERT, Superintendent of New Orleans Public Schools; and WOODY KOPPEL, President of Orleans Parish School Board; and ORLEANS PARISH SCHOOL BOARD in their official capacities.

Defendants.

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**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**TO: ALL YOUTH CONFINED AT THE YOUTH STUDY CENTER ("YSC")  
IN NEW ORLEANS, LOUISIANA**

**READ THIS CAREFULLY! IT MAY AFFECT YOUR LEGAL RIGHTS!**

The Defendants have agreed to settle this class action lawsuit now pending in the United States District Court for the Eastern District of Louisiana. The lawsuit was filed on December 21, 2007, by the Juvenile Justice Project of Louisiana and Holland & Knight, LLP, on behalf of thirteen individual youth seeking relief for themselves and all similarly situated youth confined at the Youth Study Center ("YSC") in New Orleans, Louisiana. The Plaintiffs claimed that the Defendants subject the youth at the YSC to unsanitary conditions, inadequate medical and mental healthcare, cruel psychological and verbal harassment and abuse, improper and excessive use of lockdown, inadequate education, and other illegal conditions of confinement. The Plaintiffs asked for a declaration that the conditions were illegal and injunctive relief to improve the conditions of confinement for all youth housed in the YSC.

The individual plaintiffs asked, through their lawyers, to represent all youth detained at the YSC via a class action suit. The Court agreed and certified the class on February 5, 2009. *As a class action, any remedy the individual plaintiffs obtain would apply to all youth at YSC.*

THE PURPOSE OF THIS NOTICE IS TO INFORM YOU OF:  
THE STATUS OF THE LAWSUIT, INCLUDING A STATEMENT OF YOUR RIGHTS WITH  
RESPECT TO THE PROPOSED CONSENT DECREES IN THE CASE; AND  
THE OPPORTUNITY TO FILE WITH THE COURT ANY OBJECTIONS YOU MAY HAVE  
TO THE PROPOSED CONSENT DECREES

1. The Class. On February 5, 2009, the Court certified the lawsuit as a class action pursuant to Federal Rule of Civil Procedure 23(b)(2). The class is made up of “all children who are now or will in the future be confined at the Youth Study Center in New Orleans, Louisiana.” If the Court ultimately approves a settlement of the Plaintiffs’ Complaint, it will cover all members of the class, and the settlement may affect your rights.
2. Manner of Settlement by Consent Decrees. The Plaintiffs and Defendants have entered into two agreements to settle the lawsuit (“Consent Decrees”). **The first Consent Decree is with the “City Defendants,” who are:** Defendants C. Ray Nagin, Mayor, City of New Orleans; Richard A. Winder, Director, Department of Human Services, City of New Orleans; Mubarak A. Kareem, Social Services Coordinator, Department of Human Services; and Ozzie Williams, Acting Supervisor, Youth Study Center. **The second Consent Decree is with the “School Board Defendants,” who are:** Defendants Darryl Kilbert, Superintendent of New Orleans Public Schools; Woody Koppel, President of Orleans Parish School Board; and the Orleans Parish School Board (“OPSB”).
3. Terms of Consent Decrees. In these two proposed Consent Decrees, the City Defendants and/or the School Board Defendants agree to (1) promulgate and implement policies and procedures that improve the operation of the YSC and provide appropriate services to youth detained at the YSC; (2) promulgate and implement policies and procedures that improve educational programming to youth detained at the YSC; (3) achieve improvements in the conditions of confinement at the YSC in a manner that satisfies all applicable constitutional and federal and state statutory standards; and (4) achieve improvements in the educational programming at the YSC in a manner that satisfies all applicable constitutional and federal and state statutory standards.
4. Compliance and Monitoring. The City Defendants agree to hire Paul DeMuro, who has expertise in the operation of juvenile detention facilities for detained youth, to monitor their compliance with the terms of this agreement. The School Board Defendants agree to hire Carol Cramer Brooks, who has expertise in the provision of educational services for detained youth, to monitor their compliance with the terms of this agreement. Both the City Defendants and the School Board Defendants agree that:
  - i. Mr. DeMuro and Ms. Brooks shall have reasonable access to the YSC’s facilities to monitor compliance with the terms of these Consent Decrees.
  - ii. Mr. DeMuro and Ms. Brooks shall conduct compliance and monitoring assessments of the YSC three times per year.

iii. Mr. DeMuro and Ms. Brooks shall communicate the results of their assessments in writing to the Parties and to the Court.

5. Enforcement of Terms. The Court will retain jurisdiction of this case to enforce the terms of these Consent Decrees for two years from the date of the Order approving this class action settlement. Any party may obtain an extension of the two-year limitation on the Court's jurisdiction over this Consent Decree upon a showing of good cause therefor.
6. The Proposed Settlement Would Be Instead of a Trial. If, after reviewing all timely filed objections and holding a fairness hearing, the Court enters an Order approving the substantive agreements and the remedial plans included in these two proposed Consent Decrees, there will not be a trial.
7. No Money Damages Are Involved in This Case. The lawsuit does not involve money damages, so whether or not this case proceeds to settlement or trial, no class member will obtain money from the Defendants.
8. **The summary of the two proposed Consent Decrees contained in this notice does not include all of the terms and conditions of those two agreements. Therefore, you may obtain a copy of each proposed Consent Decree by writing to:**

Carol Kolinchak  
Juvenile Justice Project of Louisiana  
1600 Oretha Casele Haley Blvd.  
New Orleans, Louisiana 70112

9. Reasons for Agreement with Proposed Consent Decrees. Class Counsel has concluded that the terms and conditions of these two proposed Consent Decrees are fair, reasonable, and adequate and are in the best interests of the class. In reaching this conclusion, Class Counsel has carefully analyzed the benefits of the two proposed Consent Decrees, the risks of an unfavorable outcome in this litigation, as well as the length of time that would be needed to prosecute this case through a trial and possible appeals.
10. If You Have No Objection to the Two Proposed Consent Decrees. If you have no objection to the Court approving the two proposed Consent Decrees, you do not have to do anything.
11. If You Object to Either of the Two Proposed Consent Decrees. If you believe that the Court should not approve one or both of the two proposed Consent Decrees, you may object. If you wish to object, you must submit the objection in writing. The objections must contain the following information:
  - (1) The case name and number: *Morgan v. Nagin, Civil Action No. 07-9755*;
  - (2) Your full name and YSC number; and
  - (3) Exactly what it is that you object to in the two proposed Consent Decrees with an explanation of why you object.

For your objection to be considered by the Judge, you must mail it by **Monday, January 4, 2010**, to the Clerk of the Court with a copy to counsel, at the following addresses:

Clerk, U.S. District Court  
Eastern District of Louisiana  
ATTENTION: Morgan v. Nagin, 07-9755  
500 Poydras Street  
New Orleans, Louisiana 70130

Carol Kolinchak  
Juvenile Justice Project of Louisiana  
1600 Oretha Castle Haley Blvd.  
New Orleans, Louisiana 70113  
Counsel for Plaintiffs

Nolan P. Lambert  
City of New Orleans, Law Department  
1300 Perdido Street  
New Orleans, Louisiana 70112  
Counsel for City of New Orleans

Claire Jupiter  
Bryan & Jupiter  
650 Poydras Street  
Suite 2345  
New Orleans, Louisiana 70130  
Counsel for Orleans Parish School Board

12. Response to Objections. Class Counsel, the City Defendants, and the School Board Defendants shall have an opportunity to respond to all timely filed objections on or before **Monday, January 25, 2010**.
13. Fairness Hearing. After reviewing all the objections that are filed on time and any responses to objections, Judge Ivan L. R. Lemelle will hold a **final fairness hearing on Friday, February 12, 2010, at 11 a.m.**, in the United States District Court in New Orleans, Louisiana, to decide whether or not to approve these two proposed Consent Decrees. If the Judge decides that these two Consent Decrees are fair, adequate, and reasonable, then the Judge will enter an Order approving the Consent Decrees. **Upon the entry of such an Order of Approval, the terms both Consent Decrees will become binding on all members of the certified class.**
14. Questions About the Proposed Consent Decrees. If you have questions about these two proposed Consent Decrees, or if you wish to review any of the documents in this case, you may contact Plaintiffs' counsel by writing to:

Carol Kolinchak  
Juvenile Justice Project of Louisiana  
1600 Oretha Casele Haley Blvd.  
New Orleans, Louisiana 70112

15. If the Court Does Not Approve These Two Proposed Consent Decrees. If after the Fairness Hearing the Court decides not to approve these two proposed Consent Decrees, this case will not be settled, but will continue to proceed to trial. If that happens, there is no assurance that any decision at trial will be in favor of the class members; or that even if there is a favorable decision, it will be as favorable to the Plaintiffs as these two proposed Consent Decrees would have been; or that any such favorable decision at trial would be upheld on appeal.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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The Honorable Ivan L.R. Lemelle  
United States District Court Judge

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